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SID RICHARDSON CARBON & GASOLINE CO.  
FIRST CITY BANK TOWER  
201 MAIN STREET  
FORT WORTH, TEXAS 76102  
817/390-8600

April 20, 1988  
Letter: EFGu-70-88  
File: EPA-19

U.S. EXPRESS MAIL B82255668  
Return Receipt Requested

✓ Myron O. Knudson, P.E., Director  
Water Management Division (6W)  
Region VI  
U.S. Environmental Protection Agency 6W-PI  
1445 Ross Avenue  
Dallas, TX 75202

Re: Application to Discharge to Waters  
of the United States; Permit No. TX0009181

Dear Mr. Knudson:

Sid Richardson sincerely appreciates the consideration given to the comments supplied in letters dated February 15, March 2 and March 10, 1988. We therefore regret the need to strenuously object to EPA's Response No. 3 to Issue No. 3 in the "Response to Comments" that was attached to your letter of April 15, 1988:

"Issue No.3

The permittee believes that biomonitoring is not feasible for this facility because discharge is periodic (twice per week) rather than continuous, and samples cannot be collected daily for 7 days as defined in EPA-600/4-85/014.

Response No. 3

Under Paragraph 8.3 (Sample Handling and Preservation) requirements of EPA-600/4-85/014 "the lapsed time from collection of a grab or composite sample and the initiation of the test" may be as long as 72 hours. Therefore, the periodic discharge schedule proposed by the permittee

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should not pose any significant problem. We recommend that the permittee sample on the days of discharge. If the holding time exceeds 72 hours for some of the renewal samples this should be reported when the information required by Table I of the permit is reported."

In view of the fact that Sid Richardson expects that discharges will occur only once or twice a week, the EPA recommendation contained in Response No. 3 clearly contravenes the intent and purpose of Paragraph 8.1.4 of EPA-600/4-85/014:

"8.1.4 Definitive tests performed for NPDES permit purposes require daily effluent sample collection and daily renewal of test solutions."

Although Paragraph 8.3.1 indicates that the holding time for any given sample can extend to 72 hours total, Paragraph 8.4.1 stresses the necessity of daily sampling and daily renewal of test solutions. More specifically, seven day bioassay testing requires the collection of seven consecutive daily samples for a beginning solution and six renewal solutions. Therefore, even though up to 72 hours may elapse before testing begins on any given daily sample, a different daily sample is required for the beginning solution and each renewal solution of a seven day bioassay series. If this were not the case, there would have been no need to include Paragraph 8.1.4 in the testing protocol. The problem is that Sid Richardson cannot be expected to collect seven consecutive daily samples when discharges over seven consecutive days are not expected. Furthermore, the use of any given daily sample for more than one renewal of test solutions per EPA recommendations would be contrary to testing protocol and would not be expected to provide the same results as sampling and testing in accordance with Paragraph 8.1.4 of EPA 600/4-85/014.

Sid Richardson's position is correctly stated in "Issue No. 3" plus the fact that it regards the facility to be a minor facility rather than a major one. Very little water is discharged in relation to the amounts previously discharged, and there have been no problems with toxic discharges. Sid Richardson therefore believes that the facility is of such low priority under Region 6 Policy for Third Round NPDES Permit Issuance March 11, 1987, that biomonitoring should not be required.

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If Issue No. 3 cannot be resolved to the satisfaction of both parties by May 15, 1988, Sid Richardson intends to request an Evidentiary Hearing in accordance with the requirements of 40 CFR 124.74. We feel that well defined protocol should be formally established and uniformly administered for all required testing procedures since the consequences of testing results could be serious and long-lasting.

Yours very truly,

A handwritten signature in dark ink, appearing to read "E. F. Gunn", written in a cursive style.

E. F. Gunn, Manager  
Environmental Health & Safety  
817-390-8640

EFG:bg

yc: CPO/bgb: EPA-19  
cc: KRC  
MWH/LFT  
Fred Humke, EPA-VI, Dallas, TX  
Ray Newton, TWC, Austin, TX  
Texas Water Commission, Amarillo, TX